IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

O.J.APPEAL No 34 of 1998

in

COMPANY APPLICATIONNo 164 of 1998

with

CIVIL APPLICATION No 99 of 1998

with

O.J.APPEAL No 35 of 1998

with

CIVIL APPLICATION No 100 of 1998

with

O.J. APPEAL No 36 of 1998

with

CIVIL APPLICATION No 101 of 1998

with

MISC. CIVIL APPLICATION NO.380 of 1998

with

CIVIL APPLICATION Nos.109, 110, 112 & 116 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAYURBHAI MANUBHAI AMIN

Versus

TRIMURTI TRADING & CONTRACTINGCOMPANY

Appearance:

1. O.J.APPEAL No. 34 of 1998

MR GM JOSHI for Petitioner

MR IQBAL M MALIK for Respondent No. 1

DS AFF.NOT FILED (N) for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE D.P.BUCH

Date of decision: 14/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Since common questions are involved, this group of three OJ Appeals are being disposed of by this common judgment.

In Company Petition No.40/97, Company Application No.164 of 1998 was submitted before the learned Company Judge by one Trimurti Trading and Contracting Company, which came to be decided on 1.5.98, whereby, respondent Nos.3 & 4 in that application were directed to deposit certain amounts. It appears that the amount could not be paid and therefore respondent No.4 was issued show cause notice as to why action for contempt should not be taken against him and accordingly notice came to be issued. OJ Appeal No.34/98 is filed against the said order.

In OJ Appeal No.35/98, challenge is in respect of the same order of the learned Company Judge, dated 1.5.98. It appears that even the order passed by the learned Company Judge on 5.5.98 is also challenged in the said appeal.

OJ Appeal No.36/98 is against the order passed by the learned Company Judge. It appears that challenged is against the order of the learned Company Judge recorded on 5.5.98 in Company Application No.164/98 in Company Application No.162 of 1998 with Company Application No.259 of 1996 with Company Petition No.40 of 1997 with Company Petition No.65 of 1996.

When the matters were called out today, nobody appeared for and on behalf of the appellants, though repeatedly called out. However, we have heard the learned advocates appearing for the respondents. We have, also, examined the facts and circumstances emerging from the record of the three appeals.

After having considered the facts and circumstances, the interim orders recorded by the learned Company Judge do not appear to be in any way perverse, unreasonable, unjust requiring our interference in these appeals. The discretionary powers, after hearing the parties, exercised by the learned Company Judge could not be spelt out from the record, to be erroneous or vulnerable. Therefore, in our opinion, this group of three appeals is totally meritless and is required to be dismissed. Accordingly, all the three appeals are dismissed with costs.

In view of the order recorded in the appeals, the Civil Applications do not assume any survival value. They shall stand disposed of accordingly. Obviously, the interim relief granted earlier shall stand vacated.

(J.N.Bhatt, J.)

(D.P.Buch, J.)
(vjn)